REMARKS

Initially, Applicant would like to thank the Examiner for allowing claims 14-20.

In the above-referenced Official Action, the Examiner rejected claims 1, 4, 5 and 8-13 under the judicially created doctrine of double patenting over claims 1, 4 and 10-12 of U.S. Patent No. 6,389,071 ("the '071 patent"). The Examiner also rejected claims 2, 3, 6 and 7 under the judicially created doctrine of double patenting over claims 1, 4 and 10-12 of the '071 Patent in view of MALLADI et al. (U.S. Patent No. 5,818,532).

In response, Applicant is filing herewith an executed Terminal Disclaimer to disclaim the terminal part of any patent granted on the present application that would extend beyond the expiration date of the '071 Patent, subject to exceptions provided in the Terminal Disclaimer. By such filing, Applicant makes no admissions as to the propriety of the rejections of claims 1-13 under the judicially created doctrine of obviousness-type double patenting. Rather, Applicant is filing the attached Terminal Disclaimer merely to obtain early allowance of the claims of the present application. Accordingly, Applicant requests reconsideration and withdrawal of the rejections of claims 1-13 under the judicially created doctrine of obviousness-type double patenting.

Also, in the above-referenced Official Action, the Examiner rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al. (U.S. Patent No. 5,680,482) in view of TUCKER et al. (U.S. Patent No. 5,903,313). The Examiner rejected claims 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al. and TUCKER et al. and further in view of MALLADI et al. The Examiner rejected claims 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al. in view

of BOYCE et al. (U.S. Patent No. 5,635,985). Applicant respectfully traverses these rejections, at least for the reasons stated below.

With respect to independent claim 21, the Examiner relied on LIU et al. to teach measuring computational processing power required to decode at least one bitstream of the video data and measuring the decoder's processing capabilities. However, the measuring in LIU et al. is used for allocating buffers, not controlling (*i.e.*, reducing) the computation processing requirements of the decoder. *See, e.g.*, Fig. 7, steps 372-374; col. 13, lines 55-59.

The Examiner therefore relied on TUCKER et al. to teach reducing computational processing of video data. In particular, TUCKER et al. disclose monitoring the performance of a host processor 200 (*i.e.*, the processing capabilities of the decoder) during video decoding, and determining if the processor is a low, medium or high performance processor. *See* col. 9, lines 27-38. The video system 100 then sets a threshold of the processor 200 based on this determination. The threshold correlates to a threshold value of the magnitude of motion vectors of the video data macroblocks. Then, during decoding, motion compensation is performed only on each macroblock having a motion vector that exceeds the predetermined threshold value, thus reducing the computational processing of the video data. *See* col. 10, lines 33-55. However, as argued in previous responses, TUCKER et al. do not teach reducing the processing based on a measure of computation processing power required to decode at least one bitstream.

Further, the Examiner did not assert that TUCKER et al. teach this feature, and instead relied on the LIU et al. teachings regarding measuring computational processing power to decode bitstreams with respect to buffer allocation. However, in this context,

there is no proper motivation to combine the reduced processing teachings of TUCKER et al. with the buffer allocation teachings of LIU et al. Rather, the only motivation to modify the teachings of LIU et al. with the teachings of TUCKER et al. is the improper motivation to obtain Applicant's claim using impermissible hindsight. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 21 based on the combination of LIU et a. and TUCKER et al.

Further, with respect to claims 22 and 23, which depend from independent claim 21, the Examiner only relied on MALLADI to disclose limiting a function of a post filter or format conversion filter. Therefore, MALLAKI does not overcome the deficiencies of LIU et al. and TUCKER et al.

With respect to independent claim 24, the Examiner relied on LIU et al. to teach measuring computational processing power required to decode at least one bitstream of the video data and measuring the decoder's processing capabilities. Notably, the Examiner did not apply TUCKER et al. in combination with LIU et al., but rather only relied on BOYCE et al. to teach reducing a number of coefficients inverse quantized and inverse DCT by selectively setting coefficients to alternate values comprising zero. However, the Examiner did not assert that BOYCE et al. teaches or suggests reducing the number of coefficients based on the measured computational processing and the measured processing capabilities. Also, with respect to claim 24, the Examiner provided no reference that teaches reducing computational process requirements of a video decoder without receiving encoded throttling control data associated with the video data. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 24 based on the combination of LIU et a. and BOYCE et al.

Applicant would like to note, for the record, that a Panel Decision issued on January 31, 2006, in response to filing of a Request for a Pre-Appeal Brief Review following the Examiner's final rejection of the currently pending claims on June 21, 2005. In the final office action, the Examiner had rejected the same claims 21-25 as currently pending, based on the same prior art set forth in the present Official Action, plus one additional patent - STIFLE et al. (U.S. Patent No. 4,633,462). In particular, the Examiner had rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al., in view of TUCKER et al. and STIFLE et al. The Examiner had rejected claim 24-25 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al. in view of TUCKER et al., BOYCE et al. and STIFLE et al. The Examiner had likewise rejected claims 22-23 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al., TUCKER et al. and STIFLE et al., and further in view of MALLADI. These rejections were specifically withdrawn by the Panel and prosecution was reopened.

In the subsequent Official Action, dated March 15, 2006, the Examiner dropped STIFLE et al., and otherwise relied on the identical combinations of references and reverted to nearly identical arguments set forth in his previous Official Action of December 21, 2004 (*i.e.*, before adding the STIFLE et al. reference). As a practical matter, if the combination of references including STIFLE et al. do not contain sufficient disclosures to teach or suggest the subject matter of claims 21-25, then the same combination of references not including STIFLE et al. likewise cannot be not sufficient to teach or suggest the subject matter of claims 21-25. Furthermore, as argued in response to the Examiner's previous Official Action of December 21, 2004, no proper combination

of the presently asserted references (i.e., LIU et al., TUCKER et al., BOYCE et al. and MALLADI) teach or suggest the claimed invention.

More particularly, in response to the Official Action of December 21, 2004, Applicant had amended independent claims 21 and 24 (among other claims) to delete "at least one of," thus reciting, for example, "reducing processing performed on the decoded video data ... by an amount based on the measured computational processing and the measured processing capabilities ..." (*e.g.*, claim 21). Applicant had asserted and continues to assert that the combination of LIU et al. and TUCKER et al. do not teach or suggest determining a throttling amount based on both of these measurements.

The Examiner evidently agreed with Applicant's analysis and admitted the shortcomings of LIU et al. and TUCKER et al. because, in the next Official Action (dated June 21, 2005), the Examiner cited STIFLE et al. to teach throttling based on a measure of computational processing power required to decode a bitstream of the video data. (Notably, the Examiner had previously relied on STIFLE et al. in the Official Actions of June 10, 2004, and December 31, 2003; withdrew STIFLE et al. in the Official Action of December 21, 2004; re-asserted STIFLE et al. in the Official Action June 21, 2005; and withdrew STIFLE et al. again in the Official Action of March 15, 2006.)

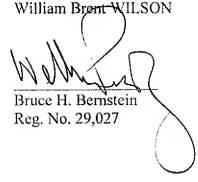
Yet, in the present Official Action, the Examiner again asserted that the combination of LIU et al. and TUCKER et al. teach the subject matter of claim 21 and the combination of LIU et al. and BOYCE et al. (further dropping the TUCKER et al. reference) teach the subject matter of claim 24, even after admitting the deficiencies described above.

Accordingly, and in view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of previously asserted rejections set forth in the Official Action, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

William Brent WILSON



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